

CLASSIFICATION OFFICE DECISION

Title of publication: 7e76a7249d0b9bf5

Other known title(s): Not stated

OFLC ref: 1200777.006

Medium: Computer Image File Printout

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Waitakere District Court

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 01 October 2012

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The printout has a photographic image showing a naked prepubescent girl relaxing on a beach. The girl's position obscures her genital area. Although a barely readable logo indicates that its source is the internet, the image cannot reasonably be regarded as sexual in nature. It has no sexual content and little evidence of a sexual purpose apart from the logo. It could well be a snapshot taken at a family occasion or naturist gathering. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation, but to others the image simply depicts a young girl in an environment where nudity may not be unusual.

There are no sexual elements in the image and it raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.